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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN DAVID PAMPLIN,

Case No. 3:08-cv-00007-RCJ-VPC

Petitioner,

ORDER

v.

J. BENEDETTI, et al.,

Respondents.

On January 14, 2011, this court dismissed John David Pamplin's counseled habeas corpus petition without prejudice as wholly unexhausted, and judgment was entered (ECF Nos34, 35). Pamplin filed a notice of appeal, and the Ninth Circuit Court of Appeals denied a certificate of appealability (ECF Nos. 36, 44). On May 21, 2012, the United States Supreme Court denied 's petition for a writ of certiorari (ECF No. 45). More than six years later, on June 11, 2018, petitioner filed what he styled as a motion for rehearing on original and amended petitions (ECF No. 46), which this court denied (ECF No. 48).

Pamplin filed a notice of appeal with the Ninth Circuit Court of Appeals (ECF No. 49). On June 27, 2018, the appeals court remanded the matter to this court for the limited purpose of granting or denying a certificate of appealability (ECF No. 50). As this court entered a final order adverse to the petitioner, Rule 11 of the Rules Governing


1 Section 2254 Cases requires this court to issue or deny a certificate of appealability
2 (COA). Accordingly, the court has evaluated the claims within the petition for suitability
3 for the issuance of a COA. See 28 U.S.C. § 2253(c); *Turner v. Calderon*, 281 F.3d 851,
4 864-65 (9th Cir. 2002).

5 Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner "has
6 made a substantial showing of the denial of a constitutional right." With respect to
7 claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists
8 would find the district court's assessment of the constitutional claims debatable or
9 wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463
10 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable
11 jurists could debate (1) whether the petition states a valid claim of the denial of a
12 constitutional right and (2) whether the court's procedural ruling was correct. *Id.*

13 Having reviewed its determinations in dismissing Pamplin's petition, the court finds
14 that none of those determinations meets the *Slack* standard. The court therefore
15 declines to issue a certificate of appealability.

16 **IT IS THEREFORE ORDERED** that a certificate of appealability is **DENIED**.

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22 DATED: 28 June 2018.

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25 ROBERT C. JONES
26 UNITED STATES DISTRICT JUDGE
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